91-1228

Supreme Court, U.S.
FILED
OCT 29 1991
OFFICE OF THE CLERK

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

DECEMBER TERM 1991

LOUIS ALBERT CSOKA

PETITIONER

vs.

WILLIAM H. WALDEN, et, al.,
Respondents

PETITION FOR A WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS

FOR THE SEVENTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Louis Albert Csoka
945 Ivanhoe Lane
Dyer, Indiana 46311
219-322-4004

QUESTIONS PRESENTED

1. Can a company force an individual on known medically-restricted status to transfer to another department within the company, if such transfer leads to performance of duties that are in direct opposition to established medical restrictions. And, in such a case, if transfer to such duties leads to greater degree of disability, can company force the individual to enter into Long Term Disability status when the individual was capable of performing duties of original position; especially in light of the fact that the company has shown an established procedure for accommodation reassignment for such individuals.

2. Can an individual's Union write a letter for said individual--citing case law as example--inferring to and allowing the individual to believe a grievance concerning Age and Handicap Discrimination has been filed with the employer only to nave the individual discover after wrongful dismissal from employment that the Union had agreed to drop the Arbitration Appeal with the employer one month after charges were filed without prior conversation with or consent from the individual.

3. Can attorneys on paid retainer: 1) ignore giving itemized billings for hours incurred; and 2) decide not to represent individual after the retainer is paid without refund in total or in part of monies paid.

Also, can an attorney--in agreement made with defendants without authorization for such conferral from the plaintiff--sign for a dismissal on plaintiff's behalf without consent of/Power of Attorney for plaintiff. And, can an attorney provide third parties with copies of plaintiff's file materials--though the third parties were not entitled to these items under disclosure rules until a suit was filed--while at the same time stating to the plaintiff that there was no reasonable grounds for a suit.

4. Can a U.S. District Court Judge merely ignore a plaintiff's Motions of Counsel, Co-Counsel, Change of Venue, Reinstatement to Employment and Petition to Rule because one of the individual's named as a defendant

under Trial Rule 17(F) for tampering with a petitioner's file was the husband of said judge's secretary. Also, can a city judge, deputy prosecutor and other attorneys enter into an agreement which blatantly violates the plantiff's First, Seventh, and Fourteenth Amendment rights.

LIST OF PARTIES

The parties to the proceedings: The Petitioner, Louis Albert Csoka (Pro Se), and the Respondents: William H. Walden, Joel C. Levy and the Law Firm of Singleton, LEVY and Crist (now known as Singleton, Crist, Patterson, Austgen & Lyman); Amoco Oil Company and its employees, per se--Divisional Manager Richard J. McGillivary, Superintendents Michael A. Doerner, Michael J. Van Acker and Ralph M. Phillip; Supervisors Vyt Lazauskas and Eric Weck; Personnel Department employees Rick Paul and Jack Graham; the Oil, Chemical, Atomic Workers Union, Local 7-1 represented by President Rudolph J. Oberman and its Board of Directors, Names Unknown.

It has been the ERROR of the court (under Due Process and Equal Protection) that plaintiff was not given his opportunity to add names under Trial Rule 17 (f), plaintiff now prays that he can now add the names of Charles H. Graddick (City Judge) of Gary, Indiana, H. Nasif Mahmoud, of Chicago, Illinois, Nels A. Kompier, of Hammond, Indiana, R. Cordell Funk of Hammond, Indiana and Jack W. Lund, of Gary Indiana.

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IN THE SUPREME COURT

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DECEMBER TERM, 1991

LOUIS ALBERT CSOKA, Petitioner
v.

WILLIAM H. WALDEN, et al.,
Respondents

PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

Petitioner, Louis Albert Csoka, respectfully prays that a Writ of Certiorari issued to review the judgment and opinion of The U.S. Court of Appeals refusing to acknowledge a victim of discriminatory behavior by Company, Union, Attorneys and a judge.

OPINION BELOW

The opinion of the District Court for dismissing plaintiff's case, was that plaintiff did not state a claim, 12 (b)(6) and that plaintiff filed in a "Willy Nilly Matter". The opinion of the United States Court of Appeals on Motion for Mandamus was "MOOT". The Motion For Leave to File Petition For Relief From Order, Writ of Certiorari was denied as "MOOT". The Motion To Petition For Permission To Appeal was denied.

JURISDICTION

Invoking federal jurisdiction under 28 U.S.C.A. 1254. Courts of appeals; Certiorari; Appeal; Certified Questions. Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods: (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgement or decree.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

First Amendment to the Constitution **[Freedoms of Religion, speech, press, assembly and petition]**. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Seventh Amendment to the Constitution **[Right to trial by jury]**. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any

court of the United States, than according to the rules of the common law.

Fourteenth Amendment to the Constitution

Section 1. **[Due process, equal protection].** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The Department of Health and Human Services, 45 Code of Regulations 84.4 (a, 1,

4) and Subpart "B" Employment 84.11 (a and b). Indiana Code 22-5-3-3 (a, 1, 2 and b, 1, 2, 3, 4 and 5).

STATEMENT OF THE CASE

In June, 1984, the petitioner received an industrial injury to the lower back while doing a laborious job not within his classified duties (petitioner reported the supervisor to the safety department for ordering an employee to work in an unsafe work area after performing the duties). Petitioner was on sick-leave status for two weeks following the injury. Further treatment for the injury continued for ten months while the petitioner was still performing his duties on the job. On March 15, 1985 (nine months after the injury was incurred), the petitioner was told by a physician that the physical affects of the injury were permanent; and the physician at

that time determined that the petitioner suffered from 5% whole body disability and placed him on a 25-pound lifting restriction. On March 29, 1985, the petitioner was released from employment being told by Amoco representative Henry Davis (Personnel), Area Superintendent Michael Doerner and Department Supervisor Vyt Lazauskas that the petitioner was being placed on Long Term Disability from a job which, even with his medical restriction, he did perform.

On April 16, 1985, petitioner was denied a return to work by Amoco Supervisor Eric Weck (cited in Materials of Evidence below), and was again denied a return to work shortly thereafter by Amoco Employment Manager Richard Paul (cited in Materials of Evidence

below). However, Wayne Baylor of Amoco personnel did not believe that plaintiff's disability was severe enough to warrant discharge from employment (cited in Materials of Evidence below).

Plaintiff returned to work on August 28, 1985, with the same medical restrictions (5% whole body disability and 25-pound lifting restrictions) as a result of a letter written by plaintiff's family physician, Dr. Hehemann (cited in Materials of Evidence below).

On December 20, 1985, petitioner attended a meeting held by Amoco Oil Company (at the USA Inn, now Days Inn, Hammond, Indiana). This meeting was to advise the rank and file personnel what the company was expecting of everyone throughout the coming

year, 1986. During this meeting, management had a discussion on SAFETY. After this discussion, plaintiff stood up and stated that "we do not have a safety program here" and gave an example. Petitioner was told to sit down by Superintendent Michael Doerner being told that the situation could be brought up after the meeting. This discussion never took place. Later in the meeting, Divisional Manager Richard McGillivary, stated "don't be surprised that one day we'll have 25-year-old foreman, 25-year-old chief operators and 25-year-old operators." One only had to look around to see that youth was the answer for promotions. Shortly after the meeting, petitioner filed a grievance with the president of the Union,

Rudolph Oberman, Sr., charging Age Discrimination for what Mr. McGillivary stated on age, citing The Age Discrimination Act of 1967, 29 U.S.C., Section 621 et seq. (cited in Materials of Evidence below).

After the ratification of our new contract in February, 1986, petitioner was told by Superintendents Michael Doerner and Michael VanAcker and Supervisor that petitioner no longer had the job he was capable of handling with his restriction, and that he should consider what shifts he wanted to work, either 2 shifts or 3 shifts. Petitioner was working steady day shift.

Petitioner was not on any list to be transfered (as outlined in the "Issues in Review, case #2 which includes notations made

by peer; cited in Materials in Evidence below). Before and after this forced transfer petitioner filed another grievance (cited in Materials of Evidence below). This grievance was on Handicap Discrimination also written by the Union citing the Vocational Rebabilitation Act of 1973, 29 U.S.C. 791 and 794 (a), because the job in the new department demanded more physical work than petitioner's 25 pound weight restriction allowed. (Petitioner cites in part 81 Pacific Reporter 2d, 469, at 470 (3-6)), "In order to constitute actionable negligence, there must exist three essential elements--namely, a duty or obligation which the defendant is under to protect the petitioner from injury; a failure to discharge that

duty; and injury resulting from the failure." Lifting, twisting, pulling, and bending rubber hoses weighing a minimum of 75 pounds, (well above petitioner's 25-pound restriction) increased the degree of disability to 20%, led to two back surgeries and loss of employment. Petitioner cites: 662 Federal Reporter 2d, 292, G.D. Prewitt, Jr v. U.S. Postal Services. Namely, (1) petitioner was a victim of "disparate impact" discrimination; (2) petitioner was placed in a "surmountable barrier" discrimination; (3) refusal to hire (Stayed employed) were job related; and (6) petitioner has burden of coming forward with evidence. Petitioner believes that he has

such evidence (cited in Material Facts below).

Petitioner also cites: The Department of Health and Human Services, 45 Code of Federal Regulations 84.4 (a, 1,4) and Subpart B--Employment practices 84.11 (a) (b, 2,4,5, and 9). Petitioner also cites; Indiana Code 22-5-3-3 (a, 1,2 and (b, 1,2,3,4 and 5) Protection of employees reporting violations of federal, state or local laws, etc. Petitioner had filed with the Union under the Age Discrimination Act of 1967, and The Vocational Rehabilitation Act of 1973, protesting the lack of SAFETY; and he was a witness for an EEOC complaint and the subsequent filing of a Retaliation complaint. Citing, Firestone Textile v. Meadows, 666

South Western 2d, 730. And, Hansen v. Harrah's & Lewis v. MGM Grand Hotel, 675 Pacific Reporter 2d, 394.

Both the Company and the Union knew plaintiff could not handle the job plaintiff was transfered into with the medical restrictions listed in the plaintiff's medical files for his previous industrial injury. For the Assault by Intimidation, "transfer or else", petitioner turns to 29 U.S.C.A. 411, Bill of Rights case law: Maier v. Patterson, 511 Federal Supplement 436. Petitioner continued to ask for help from the individuals who were allowing the company to enforce this involuntary transfer on May 12, 1986, and the subsequent loss of employment. Petitioner also cites: 29 U.S.C.A. 412, Civil

Action for Infringement of Rights; Conspiracy between employer and union, case law: Thomas v. Penn Supply and Metals Corporation, 35 Federal Rules Decisions 17, . . . remedies were available.

Doing very little hands-on work at first, petitioner was learning the job by looking over the shoulders of his peers. On June 6 and June 9, 1986, petitioner was doing the job as much as possible though the duties he performed were not within the limits of his restrictions. On June 10, 1986 (while working on the 3 p.m. to 11 p.m. shift) petitioner came to work two hours early to tell his supervisor that his work load had caused a back injury. Petitioner was told by his new supervisor, Ken Hartman, that he

would check with Superintendents Doerner and VanAcker to see what could be done. Two hours later, petitioner was advised to call for a medical appointment--petitioner first called at the refinery hospital and found no one there so he saw his family doctor as he had been instructed to do. After making the appointment, petitioner was told not to do anything that night and place himself on Long Term Disability the following day, June 11, 1986.

Since that date, petitioner has had two back surgeries (a probably of a third exists), and a probable heart attack resulting in admittance to the Intensive Care Unit for four days at Our Lady of Mercy Hospital, Dyer, Indiana, followed by another

five days at the Community Hospital in Munster, Indiana (for insurance coverages).

Petitioner returned to work 23 months later on May 9, 1988, only to be harassed by management. Within two hours after returning to work, Superintendent Ralph Phillip stated that the company would try to get petitioner's restriction lifted and that petitioner should "get out" (petitioner was released from employment on September 23, 1988. Cite: Harassment, Indiana Code 35-45-2-2. Nearly every two weeks, petitioner was sent to the medical department to have his restriction lifted. It is the opinion of this petitioner that the refinery doctor did not change the restriction until he was coerced into doing so in August, 1988.

During this time, petitioner repeatedly asked management to honor his past requests for transfer as was his right under the stipulations of the contract in force in 1985. These requests were repeatedly denied, though others with less seniority were given the right to transfer. Petitioner addressed the matter to the Personnel Department and was told by Mr. Jack Graham that if he signed a NEW transfer request--which would have been bound by the regulations of a newly ratified contract--that the transfer request MIGHT be honored. Petitioner refused to give up his rights under the prior transfer requests; signing a new form would have jeopardized the petitioner's tenuous employment through demotion, loss of senority, or termination

without cause. Petitioner was told by Mr. Graham that he would respond in a timely manner. Days later, Mr. Graham called petitioner at his work site and stated that petitioner did not have any rights. Petitioner had worked 13 months since his first release on March 29, 1985; to date he has worked approximately nine months after the 1984 industrial injury (which resulted in a 5% whole body disability) and worked four months in 1988 after the 1986 industrial injury (which resulted in a 20% whole body disability). The company, not the medical department, forced petitioner out both times that he was released from employment.

Petitioner was released on Friday, September 23, 1988 (4:30 P.M.) and waited

until the following Monday, September 26, 1988, to file a grievance with the Union for a wrongful discharge. Petitioner discovered much later that the Union as represented by Mr. Rudolph Oberman, Sr., and the Board of Directors failed to pursue this grievance.

Petitioner hired a Chicago Attorney, H. Nasif Mahmoud, who filed charges against Amoco Oil Company for Age and Handicap Discrimination (H87-727) and later (H88-169) for Fraud and Misrepresentation, Collusion and Conspiracy, a Tort Claim, by Company and Union.

Petitioner had given $8675.00 to Mr. Mahmoud for filing and fees and was told months later that he would require more after petitioner had told Mr. Mahmoud that his

services would no longer be employed. When Mr. Mahmoud was asked for and refused to give plaintiff an itemized billing, and refused to refund any monies for services not rendered, petitioner looked for another attorney.

Mr. William H. Walden, a Deputy Prosecutor from Munster, Indiana, stated that he would take the cases mentioned above and go after Mr. Mahmoud for Legal Malpractice. On October 10, 1988, petitioner received his file from Mahmoud and immediately handed it over to Mr. Walden. Petitioner had two or three short meetings with Mr. Walden in his office. The last meeting (January 14, 1989) was with Mr. Walden and Attorney/Judge Charles R. Graddick (NOT Mr. Granack, as is incorrectly stated in Mr. Levy's Letter,

dated January 11, 1989; cited in Materials in Evidence, below) and was to help plaintiff with the cases. After the January 14, 1989, meeting with both Walden and Graddick, petitioner made several phone calls to Walden to ask some questions to no avail. However, when Walden finally returned the calls it was 1) to see if the petitioner would be willing to settle the case for a sum of $10,000 (the original request for damages had been $45,000); and 2) to state that petitioner did not have any bargaining power, and would petitioner consider a capitulation. Petitioner was taking a prescribed drug, Acetaminophen #3 with Codine, at the time of the call and admits to saying yes, only to state an emphatic "NO" when the attorney then

reiterated that he wanted to have petitioner's permission to dismiss the cases. Petitioner believes the defendants were taking advantage of their knowledge that plaintiff was on prescribed pain medition to protect all defendants concerned by only talking to petitioner by phone (Citing CASE 541 NORTH EASTERN 219, KAZALE V. FLOWERS) Later, Petitioner was told that Mr. Graddick did not want to enter into this case. However, petitioner now believes that Mr. Graddick stayed on this case long enough to help with the dismissal of these cases "Without the Power of Attorney." These incidents occurred in tandem with a letter by Mr. Levy and the Law Firm of Singleton, LEVY and Crist (now known as: Singleton, Crist,

Patterson, Austgen and Lyman; cited in Materials in Evidence below). Petitioner turns to Indiana Code of Civil Procedure 34-1-60-6, Written Authority (Case: 19 Indiana 403, Jarrett v. Andrews) and IC 34-1-60-9, Deceit, Collusion and Consents. and, Indiana Code 35-32-2-4, Aiding and abetting; conspiracy. Petitioner believes that a $10,000.00 payment was made, but not to the petitioner. The discriminatory behavior came to light when petitioner's wife picked up the file from Mr. Walden. Enclosed were the Letters to promote a conspiracy between Mr. Levy to Mr. Walden, dated January 11, 89, a Power of Attorney document to be signed by petitioner, a letter to the Attorney for the Union, stating that "We have concluded this

matter with Walden" and ordering a settlement draft for $10,000.00, Stipulation for dismissal to the Clerk's Office, District Court, Walden's letter to the District Court on his appearance on behalf of the petitioner (three weeks, 21 DAYS after he was hired) and a denial by the Court, for additional time. Petitioner believes that in order to hide [illegible]ors, Walden conspired with Mr. Levy to dismiss petitioner's case (George v. Caton, 600 Pacific Reporter 2d, 822). Petitioner believed the case could not be settled without his prior knowledge, or his agreement on a settlement or his presence before the court.

During the summer of 1989, petitioner went to the local office of Senator Coates to

reply to negative reports received by the N.L.R.B. of Chicago and its Washington, D.C. office. On October 19, 1989, the Senator's office sent petitioner a copy of a letter they received. Petitioner responded with material to support the untruths in this letter, but was rejected.

Petitioner contacted several attorneys who looked into this matter. Petitioner had one attorney who for $20.00 showed petitioner "the connect the dot game," stating, "If this attorney knows that attorney, and that attorney knows this attorney, and these attorneys know that judge . . . etc., what justice do you think you'll have here in Lake County (Indiana)?" Petitioner believes that at least two attorneys who showed the most

interest in accepting the case were scared off, one stating that "this is a 'Rico' case."

Petitioner had hired a Hammond, Indiana, attorney, Nels A. Kompier, who stated he would help in the matter and try to get plaintiff re-employed. After petitioner retained this attorney with payment of $1000.00, he asked if another attorney (not of the same firm) could help in this matter. This attorney, Mr. R. Cordell Funk, originally stated he would help only to change his mind, stating instead that he would proceed in a case against Mr. Mahmoud of Chicago. Mr. Kompier than stated that he would also go after Mr. Mahmoud for legal malpractice, stating that "you (Petitioner)

would be the best attorney around to go after Amoco and the Union." Petitioner was asked to sign a "Complaint," but on page two, paragraph #4, all the "wrongdoers" would have been released of any wrongful acts had petitioner signed this document. When petitioner returned home, Mr Funk called, trying to get petitioner to reconsider. Once again, petitioner refused. Then Mr. Funk stated, "do you believe that some court will allow you to reopen that [case]". When petitioner made an attempt to pick up his file, petitioner was told he had to wait. The waiting period allowed for Mr. Kompier and Mr. Funk to copy the material petitioner had in the file and to review and keep some of the material, thus making it difficult for

petitioner to support his allegations. Petitioner cites: Indiana Code 35-44-3-4, Tampering (3). At the advise of Mr. Kompier, petitioner filed his claim in the United States District Court against Mr. Walden, Mr. Levy, The Law Firm Of Singleton, LEVY and Crist, Amoco Oil Company and its Union, The Oil, Chemical, Atomic Workers Union, Local 7-1 on December 12, 1989.

Petitioner had asked the court to appoint legal counsel and this motion was ignored. Approximately 9 months later, this case was dismissed for "not stating a claim", 12 (b)(6). The judge stated that petitioner filed his case in a "Willy Nilly Matter" (September, 1990). The plaintiff appealed the "Order of the Court (90-3487) then

vacated to the Court of Appeals, because plantiff was told by a Court Clerk that he could not amend the case in the present court.

On January 11, 1991, plaintiff filed a Amended Complaint and this was also dismissed on August 6, 1991, for "not stating a claim", 12 (b)(6) The judge stated that all parties were private. Petitioner points to Mr. Walden as a Deputy Prosecutor, a public officer. Citing: Indiana Code 33-14-7-2, Powers of Deputies, case law 11 North Eastern, 141. The petitioner points to the following case laws to show that the Court was in ERROR to dismiss case, case law "Christina Mullarkey, et al., v. Helen

Borlgum, et al., 323 Federal Supplement 1218, #2 Civil Rights . . . defendant acted under color of law is automatically met when defendant is a state officer or official". And, Welch v. Mason, Dixon Lines, 507 Federal Supplement 1064, #1 and #2.

On February 28, 1991, petitioner sent to the court, "Petition to the Court Requesting Judicial Action on Case H89-446" There was no reply by the court. However petitioner received an unopened envelope containing this petition returned by Amoco's attorney, followed by another. Petitioner believes that this is a clear "Default" judgment. Citing Work's Indiana Practice, Volume 2, ss 28.3, Withdrawal of Appearance, citing case

law, "Hogan v. Staley(s), 225 North Eastern 582.

Petitioner has pleaded with Amoco's management to allow him to work in the position the plaintiff had originally filled which had been taken away because he was capable of handling the duties of this position with his restriction; his request was denied. Petitioner was lead to believe that the Union had filed grievances on his behalf. Only much later did petitioner found out that his conversations with Union officials were not acted upon and that though formal grievances were filed, no arbitration was entered into on the petitioner's behalf. The petitioner also learned that the Union applies different union case laws for

different individuals as benefits their position. Petitioner hired attorneys, paying fees from $20.00 to $8675.00 (and requests for more money from one who did no work on the case of any merit) to represent and each time petitioner's request for legal counsel was denied. Petitioner asked the ACLU to represent him and was denied (only to find that at least two members were of the Law Firm or may be related to the Law Firm petitioner was sueing). Two Hammond, Indiana, attorneys took the petitioner's money then changed their minds regarding their ability to represent the petitioner after his refusal to sign a complaint which included a stipulation (cited in Materials in Evidence below) mandating that petitioner

would not have any redress against the defendants.

Another Attorney, Mr. Jack W. Lund, of Gary, Indiana, who said he would look into the case took a fee for discovery work, failed to give petitioner anything the $904.50 agreed to in advance, stating that this was a frivolous lawsuit. Months later, this attorney was charging petitioner for additional monies for the discovery work which plaintiff never received.

Petitioner entered his case in the United States Supreme Court on July 24, 1991, only to be told that plaintiff had to exhaust his remedies with the court--a court that has ignored petitioners' Motions.

Petitioner entered into the Court of Appeals with a Writ of Mandamus (denied August 22, 1991) and later with a Motion for Leave to File Petition for Relief from Order, Writ of Certiorari and was denied (August 28, 1991).

On September 9, 1991, petitioner entered into the United States District Court for the MOTION FOR LEAVE TO FILE PETITION FOR RELIEF FROM ORDER OF COURT, MOTION FOR APPOINTED COUNSEL AND/OR CHANGE OF VENUE TO ANOTHER DISTRICT COURT, AND, BY LEAVE OF COURT TO AMEND PUNITIVE DAMAGES. (under 60 (b)(1) hand in hand with Trial Rule 59 (e) and Trial Rule 15 (a) By Leave. . . To Amend Punitive Damges). Two weeks later, September 23, 1991, petitioner again presented a motion to

the District Court. This was a MOTION FOR COURT TO CORRECT ADDITIONAL ERRORS, BY COURT. No ruling. On September 26, 1991, petitioner entered into the Court of Appeals with a MOTION TO PETITION FOR PERMISSION TO APPEAL. Appeal denied.

Mr. Funk is the husband of the secretary to the judge presiding over my case; he has stated to me, "do you believe that some court will reopen that [case]?" Petitioner believes that the judge has been in ERROR (60 (b)(1), for not honoring the motions above, and specifically for not honoring a motion to provide legal counsel, citing: Whisenant v. Yuam,739 Federal Reporter 2d, 160, at 161, #3) and that conflict of interest may exist under Legal Ethics--Chapter 3, Canon 3 of the

Code for Judicial Conduct for United States Judges, (1977 Edition) C. Disqualification (d) (iii), at pages 358 and 359. Also, 29 U.S.C.A. 455, Interest of justice or judge, citing case, Saunders v. Piggly Wiggly Corporation., Piggly Wiggly v. Saunders, et al., 1 Federal Reporter 2d, 582, #2 at 584, Personal bias or prejudice.

Petitioner prays that he will have his day in Court, to address the discriminatory behavior of Company and Union, resulting in a 20% disability to person, financial losses, loss of employment, wages and benefits. He also prays the court address the unethical behavior of lawyers who misrepresented themselves, showing a cock-sure attitude that this case will not go to trial by refusing to

accept petitioner's motions in the mail. And, the petitioner requests a relief from a judge who has denied plaintiff a hearing in his court and fair representation. Citing case law Guy v. Schuldt, 138 North Eastern 2d, 891. Petitioner cites this case law because in part, #8, "Fraud" may consist of "intentional deception, relied upon by another inducing him to part with property or surrender a legal right such as a cause of action".

Therefore, petitioner prays that at a time when discrimination has angered the nation publicly, this petitioner has been fighting a Conspiracy of Silence privately. "The Rights of all men are diminished, when one man's right is threatened" -- Kennedy.

REASONS FOR GRANTING THE WRIT

Certiorari should be granted for several reasons: (1) This petitioner was injured, not by his negligence, but by the intimidation of others to cause a Malicious injury to a individual that had a medical restriction. (2). By not standing by the laws of the contract, the state and federal laws, the Union failed to represent a member, allowing a greater degree of disability and unemployment. (3). Attorneys, who were paid to protect the petitioner's civil and constitutional rights, did nothing after receiving fees. (4). The one person plaintiff thought he would receive help from, Judge Moody, did not honor plaintiff's motions, instead stating that plaintiff "did

not state a claim" and filed in a "Willy Nilly Matter", therefore ignoring all motions by petitioner.

CONCLUSION

For the reasons set forth above, petitioner prays that a writ of certiorari be granted, on the material facts presented before this court, in accordance with the First (speech and redress grievances), Seventh (trial by jury), and Fourteenth (Due process and Equal Protection) Amendments.

RESPECTFULLY SUBMITTED:

BY: Louis Albert Csoka

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MATERIAL FACTS IN EVIDENCE

1. Grievance Form written by Union Rep., following petitioner's March 29, 1985 release (dated April 16, 1985).

2. Knight of Columbus Form signed by Richard Paul, denying the petitioner employment, after his 1985 release.

3. Knight of Columbus Form signed by Wayne Baylor, stating he did not believe petitioner was disabled enough to be out of employment during the time he was in 1986.

4. Family doctor, who wrote letter for petitioner's release to go back to work for his 1985 release (March 29 to August, 1985).

5. Letter written by union on Age Discrimination, dated January 14, 1986.

6. Letter written by union on Handicap Discrimination, dated February 11, 1986.

7. After petitioner was dismissed from employment (June 10, 1986) plaintiff hired Attorney H. Nasif Mahmoud. ($45,000.00 was offered).

8. Petitioner returned to work at the surprise of the company and union. During this time petitioner filed another grievance for the job petitioner lost. As shown in grievance, "job taken away".

9. When petitioner could not get an itemized bill or refund from Mr. Mahmoud, petitioner wrote a letter to the ACLU. Two names on that list may be related to the law firm petitioner is sueing.

10. After petitioner hired Mr. Walden, it didn't take long for him to enter into a agreement with Mr. Levy.

11. "Stipulation For Dismissal With Prejudice", petitioner did not sign anything, and was not present at any court. Petitioner was told by his attorney no need to show because of a continuance.

12. "Motion" filed on October 31, 88, appearance of counsel, 21 days after defendant was hired as a prosecuting attorney.

13. "Order" filed Nov. 2, 88, denied enlargement of time.

14. Letter, dated January 11, 1989, written by Mr. Levy to Walden (third party was

Attorney/Judge Charles H. Graddick, not Mr. Granack).

15. Letter, dated January 17, 1989, to the Union's attorney, Mr. Yokich, "concluded this matter".

16. Letter, dated January 17, 1989, "settlement draft for $10,000.00.

16. A "Complaint" written by Mr. Funk, which petitioner would not sign because of paragraph #4. A clear sign that this attorney knew that petitioner was deceived by Walden, approximately six to nine months after the fact.

17. Approximately 10 months after petitioner fired his first attorney Mr. Mahmoud, Mr. Mahmoud was trying to get more money from

petitioner, though he refused to give an itemized bill or refund.

18. Letter by Mr. Funk stating he will determine what cost petitioner needs to pay ($57.45) and what papers petitioner is entitled to receive from his file.

19. Motions to the court to petition the court to rule on cases.

20. Above petition returned in unopened envelopes by Amoco's attorney, Mr. Weibaum.

21. Letter from HBRC implying that if I didn't go to an independent physician, my benefits would have been cut off.

22. Letter by an independant doctor of my status, "the prognosis on this patient with or without treatment is extremely poor as far as returning to work is concerned".

23. The letter from N.L.R.B., dated October 19, 1989, replies as follows:

a. Letter written by Dr. Iagmin of Amoco, stating petitioner should go to Work Hardening Program, (dated June 8, 1988) Petitioners' doctor wrote his work hardening program June 16, 1988. This was never a issue with Dr. Levin while petitioner was looked after by this doctor from November 1987.

b. Petitioner received a work release form on April 14, 1988, to return to work May 9, 1988.

c. After petitioner was harrassed, he was told to return to petitioner's doctor to get another release, Temporary-Permanent ???

d. Petitioner's permanent restriction was imposed on March 13, 1985 not 1988, as Amoco wanted everyone to believe.

e. Attorney for the Company and others stated the statute of limitition had expired against company and union. However, petitioner filed his action only one month before he was informed by the union of the dismissal of grievance.

f. The union showing one case law (John Chavez) where this fellow hurt himself. And, ruled my case accordingly. However petitioner was injured by force of company and union.

24. "Issues in Review", Case #2, annotations made by peer. This medically restricted petitioner was not an "affected employee" and

when he asked to be transfered, it was DENIED.

25. The "Tentative Fee Agreement", where petitioner paid this attorney $904.50, for discovery work petitioner never received.

26. Successfully 1991 Compensation Claim against Amoco Oil Company in which Amoco was ordered to pay compensation to petitioner.

APPENDIX

1. Department of Health and Human Services 45 CFR Subtitle A (10-1-86 Edition) Subpart A -- General Provisions Sec. 84.4 (a) and Subpart B--Employment Practices 84.11 (a) (1, 2, 3, and 4) and (b) (1, 2, 3, 4, 5, 6, 7, 8 and 9).

2. INDIANA CODE 22-5-3-3, Protection of employees reporting violations of federal, state or local laws, etc. (a)(1 and 2) and (b)(1, 2, 3, 4 and 5).

3. INDIANA CODE 35-44-3-4, Tampering-Obstruction. (a)(2 B), (3).

4. 15. AM JUR 2d, 901, ss 345, (Civil Rights) Harassment, Intimidation, and Retaliation.

5. 6 AM JUR 2d, 99, ss 117, Assault and Battery.

6. 54 AM JUR 2d, 638, ss 21, Wilful, Wanton, and Reckless Acts.

7. 45 AM JUR 2d, 302 ss 25, Attorney-Client Contract (Interference).

8. 42 U.S.C.A. 1983, Public Health & Welfare, (Ch. 21) at 15, Civil action for deprivation of rights.

9. 83 Michigan Law Review 1571 (1985), Relief from Final Judgment Under Rule 60 (b)(1) Due to Judicial Errors of Law.

IN THE

SUPREME COURT OF THE UNITED STATES

DECEMBER TERM 1991

No. _____

Louis Albert Csoka

v.

WILLIAM H. WALDEN, et al.,

I, Louis Albert Csoka, swears that on this date, December 23, 1991, petitioner served the Petition For Writ of Certiorari, to all the interested parties.

The names and addresses of those served and copy given to are as follows (2 pages):

(NOTE: In the pass, Mahmoud moved once he was informed that he was a party to be named in a lawsuit. Lund and Graddick returned copies mailed to them by first class mail).

1. Solicitor General
   Department of Justice
   Washington, D.C. 20530

2. Evan Byah
   Governor of Indiana
   State Capitol Building
   Room 206
   Indianapolis, In 46204

3. United States District Court
   Honorable James T. Moody
   507 State Street
   Hammond, Indiana 46320

4. Charles H. Graddick, PC
   504 Broadway Ave.
   Gary, Indiana 46402

5. H. Nasif Mahmoud
   (moved, address unknown)

6. Jack W. Lund
   3739 Cleveland Ave.
   Gary, Indiana 46408

7. Stephen A. Yokich
   343 South Dearborn St.
   Chicago, Il 60604

8. James B. Meyer
   363 South Lake
   Gary, Indiana 46403

9. Terence M. Austgen
   9245 Calumet Ave.
   Munster, Indiana 46321

10. Nels A. Kompier
    5253 Hohman Ave.
    Hammond, Indiana 46320

11. R. Cordell Funk
    5253 Hohman Ave.
    Hammond, Indiana 46320

12. Jeffery S. Heller
    Amoco Oil Company
    200 E. Randolph Dr.
    Chicago, Il 60601

RESPECTFULLY SUBMITTED:

Louis Albert Csoka

Louis Albert Csoka
Petitioner, Pro Se
945 Ivanhoe Lane
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219-322-4004